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In re Application of
Agnew et al.
Application No. 10/516,606
PCT No.: PCT/GB03/02576
Int. Filing Date: 16 June 2003
Priority Date: 14 June 2002
Atty. Docket No.: 08364.0079
For: Mobile Navigation

DECISION

This is in response to the "Petition To Withdraw Holding Of Abandonment..." filed on 15 February 2006.

BACKGROUND

This international application was filed on 16 June 2003, claimed an earliest priority date of 14 June 2002, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 24 December 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 December 2004. Applicants filed, *inter alia*, the basic national fee on 03 December 2004.

On 27 June 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e).

On 18 January 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Form PCT/DO/EO/905 mailed on 27 June 2005.

DISCUSSION

Applicants request withdrawal of the holding of abandonment on the basis that a response was allegedly filed on 27 January 2006, within the period for response to the Form PCT/DO/EO/905 as extended under 37 CFR 1.136(a). Inspection of the application file reveals that the 27 January 2006 response is present, and that said response included a petition and fee for a five-month extension of time under 37 CFR 1.136(a) as well as the required reply in the form of the \$130.00 surcharge and a declaration of the inventors in compliance with 37 CFR 1.497(a) and (b). As such, the Notification of Abandonment mailed on 18 January 2006 was premature, and it is hereby VACATED.

CONCLUSION

The petition is GRANTED.

This application is being forwarded to the National Stage Processing Branch for continued processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 27 January 2006.



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